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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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In Re the Application of: Dr. Rajinder S. Ranu

Serial Number:

Filed:

For: Partial Gene Sequence from *Pelargonium* to Control Ethylene Levels in Geraniums

Assignee: Colorado State University through its agent Colorado State University Research Foundation

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**DECLARATION FOR PATENT APPLICATION**

This Declaration is made by Dr. Rajinder S. Ranu.

I, Dr. Rajinder S. Ranu, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address is 2919 Skimmerhorn Street, Fort Collins, Colorado 80526.

I believe that I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled an "Partial Gene Sequence from *Pelargonium* to Control Ethylene Levels in Geraniums" and:

- United States Provisional Patent Application No. 60/239,782, filed October 12, 2000 originally entitled "Partial Gene Sequence from *Pelargonium* to Control Ethylene Levels in Geraniums";
- United States National Stage Patent Application No. 09/171,482, filed October 19, 1998 originally entitled "A 1-Aminocyclopropane-1-Carboxylate Synthase Gene from Rosa to Control Ethylene Levels in Roses";
- International Patent Application No. PCT/US97/17644, filed October 1, 1996 originally entitled "1-Aminocyclopropane-1-Carboxylate Synthase Genes from *Pelargonium* and *Rosa* to Control Ethylene Levels in Geraniums and Roses";

United States Patent Application No. 08/724,194, filed October 1, 1996 originally entitled "1-Aminocyclopropane-1-Carboxylate Synthase Genes from *Pelargonium* to Control Ethylene Levels in Geraniums";

the specification of which has been provided to me at or prior to the time of signing this declaration, and of which we hereby claim the benefit of and priority pursuant to 35 U.S.C. §§ 119, 120, or 365; there are no foreign applications having a filing date before that of the application on which priority is claimed.

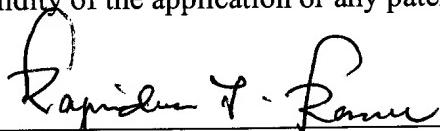
I hereby declare that the above specification(s) are intended to include disclosure or claims directed to, individually or in combination: embodiments of the invention which may encompass a device, apparatus, method, process, or business method; embodiments of the invention which may encompass permutations or combinations of any aspects of the invention; any aspect of the invention conceived or developed as separate inventions; and any aspect of the invention independent of any initial context considered as preferred embodiments. I also authorize and support this application for patent protection in the United States, and for similar protection in foreign countries, each to be sought to the extent or breadth any owner desires or deems appropriate.

I hereby state that I have reviewed and understand the contents of the specification entitled "Partial Gene Sequence from *Pelargonium* to Control Ethylene Levels in Geraniums", including any claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10/11/01

  
\_\_\_\_\_  
Dr. Rajinder S. Ranu

UNITED STATES OF AMERICA )  
STATE OF COLORADO )ss.  
COUNTY OF LARIMER )

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado, United States of America, by Dr. Rajinder S. Ranu, this 11<sup>th</sup> day of October, 2001. WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: April 23, 2005

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Assignee: Colorado State University through its agent Colorado State University Research  
Foundation

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**VERIFIED STATEMENT ESTABLISHING SMALL ENTITY STATUS  
37 CFR 1.9(e)--UNIVERSITY OR OTHER INSTITUTION OF HIGHER LEARNING**

I hereby declare that I am an official empowered to act on behalf of the University identified below:

Colorado State University  
c/o Colorado State University Research Foundation  
601 South Howes Street, Room 410  
Fort Collins, CO 80523

Type of nonprofit organization: University.

I hereby declare that the nonprofit organization identified above is a University or other Institution of Higher Education and therefore qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in the specification filed herewith with title as listed above.

I hereby declare, to the best of my knowledge, rights under contract or law have been conveyed to and remain with the nonprofit organization except for an exclusive license which has been granted to Tagawa Greenhouses, Inc.

I hereby declare that no rights to the invention are held by any concern which would not qualify as a small business concern under 37 CFR 1.9(d).

Each person, concern, or organization having any rights in the invention is listed below:

- 1) Colorado State University  
c/o Colorado State University Research Foundation  
P. O. Box 483  
Fort Collins, CO 80523
- 2) Tagawa Greenhouses, Inc.  
17999 Weld County Road 4  
Brighton, CO 80601

I acknowledge the duty to file, in this application, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Made under OATH this 11<sup>th</sup> day of October, 2001.

By:



Arundeep S. Pradhan, Director of Technology Transfer  
for Colorado State University Research Foundation  
agent for Colorado State University

UNITED STATES OF AMERICA )  
STATE OF COLORADO ) ss.  
COUNTY OF LARIMER )

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado, United States of America, by Arundeep S. Pradhan, this 11<sup>th</sup> day of October, 2001.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.



\_\_\_\_\_  
Notary Public  
My Commission Expires: April 23, 2005

Express Mail No:EL833230595US  
Attorney Docket:TagawaGene25Full

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IN THE UNITED STATES PATENT AND  
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Assignee: Colorado State University through its agent Colorado State University Research  
Foundation

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**VERIFIED STATEMENT ESTABLISHING SMALL ENTITY STATUS  
(UNIVERSITY EMPLOYEE)**

I, Dr. Rajinder S. Ranu, as an above-named inventor of the invention described in the specification filed herewith with title as listed above, hereby declare that all actions involving the creation of the above-referenced invention were taken by me as an employee who has acted on behalf of Colorado State University a non-profit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees to the Patent and Trademark Office.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

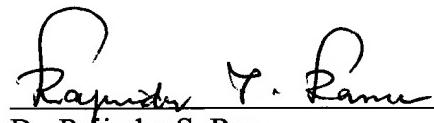
Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

Colorado State University  
c/o Colorado State University Research Foundation  
601 South Howes Street, Room 410  
Fort Collins, CO 80523

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

MADE UNDER OATH this 11 day of October, 2001.

  
\_\_\_\_\_  
Dr. Rajinder S. Ranu

UNITED STATES OF AMERICA )  
STATE OF COLORADO )ss.  
COUNTY OF LARIMER )

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado, United States of America, by Dr. Rajinder S. Ranu as Inventor, this 11<sup>th</sup> day of October, 2001.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: April 23, 2005

Express Mail No: EL833230595US  
Attorney Docket: TagawaGene25Full

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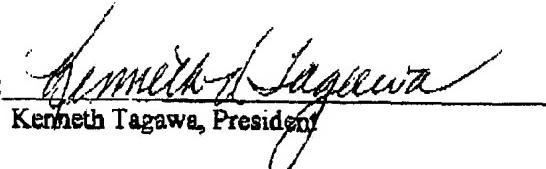
**POWER OF ATTORNEY**

I, Kenneth Tagawa, President of Tagawa Greenhouses, Inc., hereby appoint Santangelo Law Offices, P.C., whose mailing address is 125 South Howes, Third Floor, Fort Collins, Colorado 80521, including Luke Santangelo, whose registration number before the United States Patent and Trademark Office is 31,997, Craig R. Miles, whose registration number before the United States Patent and Trademark Office is 45,954, and Alfred K. Wiedmann, Jr., whose registration number before the United States Patent and Trademark Office is 48,033 as Tagawa Greenhouses, Inc.'s attorney(s)/agent(s) to prosecute this application entitled "Partial Gene Sequence from *Pelargonium* to Control Ethylene Levels in Geraniums" and to transact all business in the Patent Office connected therewith.

Dated this 12 day of October, 2001.

By:

Kenneth Tagawa, President



Express Mail No:EL833230595US  
Attorney Docket: TagawaGene25Full

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Assignee: Colorado State University through its agent Colorado State University Research Foundation

**STATEMENT ESTABLISHING SMALL ENTITY STATUS  
(SMALL BUSINESS CONCERN)**

I, Kenneth Tagawa, as President of Tagawa Greenhouses, Inc., pursuant to 37 C.F.R. Section 1.27(c) state that the following facts are true:

1. I am President of Tagawa Greenhouses, Inc.. As such I am empowered to act on behalf of the Assignee.
2. As set forth in 13 C.F.R. Section 121.12, Tagawa Greenhouses, Inc. is an entity whose number of employees, including those of its affiliates, does not exceed 500 persons and which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the subject matter of the enclosed patent application to another entity that does not qualify under small entity status. Tagawa Greenhouses, Inc. appears to qualify as a small business concern as defined in 37 C.F.R. Section 1.9(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

MADE this 12<sup>th</sup> day of October, 2001.

By:

Kenneth Tagawa  
Kenneth Tagawa, President